

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin Starzmann

Serial No. : 09/463,598 Confirmation No.: 6529

REMARKS

In the Office Action mailed September 9, 2003, the Examiner has maintained the rejection of claims 1-14 under 35 U.S.C. 103(a) as being unpatentable over Miller et al., U.S. Patent No. 5,242,621.

Applicant appreciates that the Examiner had a telephone interview with applicant's attorney. The Examiner stated that it appears that the application contains allowable subject matter which is not claimed. Accordingly, applicant submits amended claims 1, 3 and 5 and new claim 15 which define the invention in more detail. These amended claims combine limitations of prior claims 1-6 and 11 and applicant believes this combination results in allowable claims. Specifically, the text on lines 2-3 of amended claim 1 is based on original claim 3, the text on lines 6-7 of claim 1 is based on original claim 4 and the text on lines 8-9 of claim 1 is based on original claim 2. Claims 2-4 are herein canceled. The additional text in claim 5 is based on original claim 1; claim 5 has been amended from a dependent to an independent claim. Claim 15 is based on amended claim 5. These new claims provide unique proportion of ingredients making a fluid which is not disclosed in the prior art.


It is respectfully submitted that the application is now in condition for allowance, and such action is requested. No new matter has been added. The examiner is invited to telephone the undersigned if there are any matters which could be discussed to expedite the prosecution of the above-identified application.

Respectfully submitted,

DPH/KRV

D. Peter Hochberg Co., L.P.A.
1940 East Sixth Street – 6th Floor
Cleveland, OH 44114-2294
(216) 771-3800

By: _____


D. Peter Hochberg
Reg. No. 24,603